

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

TEXTRON INNOVATIONS INC.,)	
)	
Plaintiff,)	
)	C. A. No. 05-486 (GMS)
v.)	
)	JURY TRIAL DEMANDED
THE TORO COMPANY,)	
)	
Defendant.)	

STIPULATION AND ORDER TO ALLOW TORO TO AMEND ITS ANSWER

Pursuant to Rule 15(a) of the Federal Rules of Civil Procedure, defendant The Toro Company (“Toro”), by its attorneys, proposes to amend its Answer in the above-captioned case to include counterclaims seeking a declaratory judgment of invalidity and non-infringement of plaintiff Textron Innovations Inc.’s (TII) U.S. patent numbers 6,047,530; 6,336,311; and 6,336,312, and declaratory judgment on the ground of equitable estoppel. Toro’s amended answer is attached to this stipulation as Exhibit A. Pursuant to Rule 15(a), TII, by counsel, and subject to the approval of the Court, hereby provides its written consent to allowing Toro to amend its answer in this manner. The parties further stipulate that the Amended Answer and Counterclaims shall be deemed filed and served on the date when the Court enters the order below.

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Dated: November 9, 2005

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IT IS SO ORDERED this _____ day of _____, 2005, that Toro's motion to amend is granted, and the Amended Answer and Counterclaims is deemed filed and served on the date of this Order.

United States District Judge